

### REMARKS

This amendment is being filed along with a Request for Continued Examination (RCE) in response to the final Office Action having a mailing date of January 23, 2008. Various claims are amended as shown. No new matter has been added. Claims 14 and 20 are canceled herein without prejudice. With this amendment, claims 1-13, 15-19, 21-31 remain pending in the application.

#### I. Supplemental Information disclosure statement (IDS)

A supplemental IDS having references listed therein and copies of non-published U.S. patent reference(s) listed in the IDS are being submitted along with this amendment. Because this supplemental IDS is being submitted along with an RCE, an IDS filing fee is not required. It is kindly requested that an Examiner-initialed copy of the supplemental IDS be returned along with the next communication, so as to confirm that the references listed therein have been entered in the record and considered.

#### II. Discussion of the claims

The final Office Action rejected claims 1-31 under 35 U.S.C. § 103(a) as being unpatentable over DeBettencourt (U.S. Patent Application Publication No. 2005/0060372) in view of Coughlin (U.S. Patent Application Publication No. 2004/0024861). For the reasons set forth below, it is kindly requested that these rejections be withdrawn.

##### A. Discussion of independent claim 1

Independent claim 1 as presently amended recites, *inter alia*, “storing a plurality of bit masks, said bit masks respectively corresponding to rules that each specify a corresponding routing action” and “using specific ones of said stored bit masks that respectively correspond to said matching specific rules to determine a particular routing action to perform on the packet.”

It is respectfully submitted that these limitations are not disclosed, taught, or suggested by DeBettencourt, whether singly or in combination with the other references. For

example, both DeBettencourt and Coughlin are completely silent with regards to any bit masks, such as recited in claim 1.

Accordingly, claim 1 is believed to be allowable.

Claim 1 is further amended herein to recite, *inter alia*, “matching that XML-related content to specific ones of said rules that each specify a corresponding routing action to perform on said packet.” It is respectfully submitted that DeBettencourt and Coughlin relied upon by the final Office Action do not meet these limitations.

For example, page 2 of the final Office Action has admitted that “DeBettencourt does not specifically disclose a routing action to apply to a packet ...” To supply the missing teachings of DeBettencourt, the final Office Action has interpreted paragraphs [0016]-[0024] of Coughlin as allegedly disclosing “a routing action to apply to a packet to balance load (using an XML message to control the load applied to servers).”

This interpretation of Coughlin by the final Office Action is respectfully traversed herein. It is respectfully submitted that Coughlin does not cure the deficiencies of DeBettencourt, in that Coughlin fails to disclose, teach, or suggest matching XML-related content to specific rules that each specify a corresponding routing action.

For reference and convenience, paragraphs [0023]-[0024] of Coughlin relied upon by the final Office Action and which describe his load balancing technique are reproduced below (emphasis ours), along with paragraph [0026]:

“[0023] Load balancing may be performed by a variety of nodes. Load balancing may be performed by heavily loaded nodes, for example having queued tasks, that send tasks to other processors. Load balancing may alternately or in addition be performed by lightly loaded nodes, for example idle nodes, that request tasks from other processors. Load balancing may alternately or in addition be performed by a centralized task distribution mechanism that distributes connections and sessions to various servers in the data center.

[0024] Techniques utilized to balance load among servers include Round Robin and Least Number of Connections. The Round Robin method loops through a list of servers assigning each new client connection to a new server in rotation. The Round Robin method may, for example, include a counter that increments to the number of servers existing in the data center. Servers may be assigned unique numbers, such as IP addresses, that are associated with each increment. Each time a new client makes a request of the data center the counter is incremented and the load balancer assigns the new request to the server associated with the current counter value. Often, all additional requests made by that client in the session are also handled by the server assigned at the time the new request was received. When the counter value increments from the value associated with the highest numbered server, the counter returns to the lowest numbered server. Thus, each server is assigned the same number of new transactions.

[0026] The Least Number of Connections method assigns a new request to the server currently utilizing the fewest connections. Like Round Robin, the session following an assignment in the Least Number of Connections method typically is also handled by the server assigned at the time the new request was received. Thus, if a certain server is serving four clients and another server is serving three clients, then the server serving three clients would be selected to serve the next client over the server serving four clients. Alternately, the Least Number of Connections method may assign a new request to the server having the greatest number of unused connections. The Least Number of Connections method, however, also does not take into account the complexity of the client requests or the number of request made in each session”

From the above-quoted passages from Coughlin, it is abundantly clear that he performs his load balancing using “round robin” and “least number of connections” methods. These load balancing methods are completely independent of the content contained in the packet (e.g., the type of content contained in the packet is irrelevant to these load balancing methods). For example, the round robin method strictly dictates which server is going to receive the new connection: the next server in the rotation gets the new connection, irrespective of any XML-related content contained in the packet. The least number of connections method prefers/selects the server having the fewest current connections, irrespective of any XML-related content contained in the packet.

Accordingly, Coughlin does not meet the limitations of claim 1 that require “matching that XML-related content to specific ones of said rules that each specify a corresponding routing action to perform on said packet,” since Coughlin’s rules for routing are instead based on round robin or least number of connections.

Since Coughlin does not supply the missing teachings of DeBettencourt, all of the limitations of claim 1 have not been met and a *prima facie* case of obviousness has not been established. The Federal Circuit has held many times that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Accordingly, it is respectfully submitted that claim 1 is further allowable over DeBettencourt, whether singly or in combination with Coughlin.

B. Discussion of the other independent claims

Independent claims 13, 19, 22, and 28 are amended herein to recite, *inter alia* and using varying language, limitations pertaining to rules and bit masks. As previously explained above, the cited references (whether singly or in combination) do not meet these limitations.

Accordingly, claims 13, 19, 22, and 28 are allowable.

C. Other claim amendments

Various other amendments are made to certain dependent claims as shown to make their language consistent in view of the amendments to their respective base independent claims, to more precisely recite the subject matter contained therein, to remove unnecessary/extraneous language, to provide appropriate antecedent basis, and/or to otherwise place such claims in better form.

III. Conclusion

It is respectfully submitted that the independent claims are in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

If there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the attorney of record (Dennis M. de Guzman) at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Dennis M. de Guzman/

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